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University of Massachusetts  
Department of Education

# STUDENT RECORD REGULATIONS



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of EDUCATION



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Office of the Commissioner  
The Commonwealth of Massachusetts  
Department of Education

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1385 Hancock Street, Quincy, MA 02169

MEMORANDUM FOR:

School Committee Chairpersons  
Superintendents of Schools  
Principals  
Guidance Directors  
Other Interested Persons

The Board of Education at its meeting of February 24, 1976, adopted the attached Student Records Regulations under the authority of Chapters 71, 71B, and Chapter 76 of the General Laws. In approving these regulations, the Board was particularly concerned that the state standards agree with those developed at the federal level under the Family Educational Rights and Privacy Act of 1974. The Department's Legal Office compared the federal regulations on student records to the attached state regulations and concluded that there is no conflict between the two. That opinion remains valid today.

There are three state statutes that deal specifically with public school student records. They read as follows:

G.L. CHAPTER 71, SECTION 34D. The board of education shall adopt regulations relative to the maintenance, retention, duplication, storage and periodic destruction of student records by the public elementary and secondary schools of the commonwealth. Such rules and regulations shall provide that a parent or guardian of any pupil shall be allowed to inspect academic, scholastic, or any other records concerning such pupil which are kept or are required to be kept.

G.L. CHAPTER 71, SECTION 34E. Each school committee shall, at the request of a parent or guardian of a student, allow such parent or guardian to inspect academic, scholastic, or any other records concerning such student that are kept or are required to be kept, regardless of the age of such student. Each school committee shall, at the request of a student eighteen years of age or older, allow such student complete access to all school records relative to him or her.

G.L. CHAPTER 71, SECTION 89. The score of any group intelligence test administered to a student enrolled in a public school shall be removed from the record of said student at the end of the school year in which such test was to be administered.

These statutes and the Student Records Regulations represent an important step in protecting the privacy of citizens during the time they are students in our schools. The Department urges you to do all in your power to carry out the spirit and intent of these statutes and regulations. Doing so will contribute to the creation of a secure learning environment.





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## REGULATIONS

### REGULATIONS PERTAINING TO STUDENT RECORDS

These regulations are promulgated by the Board of Education pursuant to its powers under Section 34D of Chapter 71 which directs that "the board of education shall adopt regulations relative to the maintenance of student records by the public elementary and secondary schools of the commonwealth," and under Section 34F of Chapter 71 which directs that "the board of education shall adopt regulations relative to the retention, duplication and storage of records under the control of school committees, and except as otherwise required by law may authorize the periodic destruction of any such records at reasonable times." These regulations were originally promulgated on February 10, 1975, and were reviewed and amended in February, 1976. These regulations are in conformity with federal and state statutes regarding maintenance of and access to student records, and are to be construed harmoniously with such statutes.



## 23.01 RULES ON APPLICATION OF RIGHTS

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These regulations are promulgated to insure parents' and students' rights of confidentiality, inspection, amendment, and destruction of student records and to assist local school systems in adhering to the law. These regulations should be liberally construed for these purposes.

- 23.01(1) These rights shall be the rights of the student upon reaching 14 years of age or upon entering the 9th grade, whichever comes first. If a student is under the age of 14 and has not yet entered the 9th grade, these rights shall belong to the students' parents.
- 23.01(2) If a student is from 14 through 17 years of age or has entered the 9th grade, both the student and his/her parent, or either one acting alone, shall exercise these rights.
- 23.01(3) If a student is 18 years of age or older, he/she alone shall exercise these rights. However, the parent may continue to exercise the rights until expressly limited by such student. Such student may limit the rights and provisions of these regulations which extend to his/her parent by making such request in writing to the school principal or superintendent of schools who shall honor such request and retain a copy of it in the student record. (This regulation was changed by M.G.L. C.71, S.34E., which may be found on page 1.)
- 23.01(4) Notwithstanding Sections 603 CMR 23.01(1) and 603 CMR 23.01 (2) of these regulations, nothing shall be construed to mean that a school committee cannot extend the provisions of these regulations to students under the age 14 or to students who have not yet entered the 9th grade.

## 23.02 DEFINITION OF TERMS

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**The various terms as used in these regulations are defined below:**

- 23.02(1) **Student** shall mean any person enrolled or formerly enrolled in a public elementary or secondary school or any person age three or older about whom a school committee maintains information. The term as used in these regulations shall not include a person about whom a school committee maintains information relative only to that person's employment by the school committee.
- 23.02(2) **School-age child with special needs** shall have the same definition as that given in Chapter 766 of the Acts of 1972 and the regulations promulgated thereto.
- 23.02(3) **Eligible student** shall mean any student who is 14 years of age or older or who has entered 9th grade, unless the school committee acting pursuant to 603 CMR 23.01 (4) of these regulations extends the rights and provisions of these regulations to students under the age of 14 or to students who have not yet entered 9th grade.
- 23.02(4) **Parent** shall mean a student's father or mother, or guardian, or person or agency legally authorized to act on behalf of the child in place of or in conjunction with the father, mother, or guardian. The term as used in these regulations shall include a divorced or separated parent, subject to any written agreement between parents or court order governing the rights of such a parent that is brought to the attention of the school principal.



- 23.02(5) The **student record** shall consist of the transcript and the temporary record, including all information—recording and computer tapes, microfilm, microfiche, or any other materials—regardless of physical form or characteristics concerning a student that is organized on the basis of the student’s name or in a way that such student may be individually identified, and that is kept by the public schools of the Commonwealth. The term as used in these regulations shall mean all such information and materials regardless of where they are located, except for the information and materials specifically exempted by 603 CMR 23.04 of these regulations.
- 23.02(6) The **transcript** shall contain administrative records that constitute the minimum data necessary to reflect the student’s educational progress and to operate the educational system. These data shall be limited to the name, address, and phone number of the student; his/her birthdate; name, address, and phone number of the parent or guardian; course titles, grades (or the equivalent when grades are not applicable), course credit, grade level completed, and the year completed.
- 23.02(7) The **temporary record** shall consist of all the information in the student record which is not contained in the transcript. This information clearly shall be of importance to the educational process. Such information may include standardized test results, class rank (when applicable), extracurricular activities, and evaluations by teachers, counselors, and other school staff.
- 23.02(8) **Core Evaluation Team (CET)** shall mean the team which evaluates school-age children pursuant to Chapter 766 of the Acts of 1972 and the regulations promulgated thereto.
- 23.02(9) **Authorized school personnel** shall consist of three groups:
- 23.02(9)(a) School administrators, teachers, and counselors who are employed by the school committee and who are working directly with the student in an administrative, teaching, counseling, and or diagnostic capacity.
  - 23.02(9)(b) Administrative office staff and clerical personnel who are employed by the school committee and whose duties require that they have access to student records for the purposes of processing information for the the student record.
  - 23.02(9)(c) The CET which evaluates a student.
- 23.02(10) **Access** shall mean inspection or copying of a student record, in whole or in part.
- 23.02(11) **Release** shall mean the oral or written disclosure, in whole or in part, of information in a student record.
- 23.02(12) **Third party** shall mean any person or private or public agency, authority, or organization other than the eligible student, his/her parent, or authorized school personnel.

### 23.03 COLLECTION OF DATA: LIMITATIONS AND REQUIREMENTS

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All information and data contained in or added to the student record shall be limited to information relevant to the educational needs of the student. Information and data added to the temporary record shall include the name, signature, and position of the person who is the source of the information, and the date of entry in the record. Standardized group test results that are added to the temporary record need only include the name of the test and/or publisher, and date of testing.

## 23.04 PERSONAL FILES OF SCHOOL EMPLOYEES

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The term student record does not include notes, memory aids and other similar information that is maintained in the personal files of a school employee and is not accessible or revealed to authorized school personnel or any third party. Such information may be shared with the student or parent, but if it is released to authorized school personnel or any third party, it becomes part of the student record subject to all the provisions of these regulations. Notwithstanding the above, in a school system that treats teachers' rank books as personal files of the teacher within the meaning of this section, current teachers' rank books may be shared with substitute or replacement teachers during the school year without being considered part of the student record.

## 23.05 PRIVACY AND SECURITY OF STUDENT RECORDS

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- 23.05(1) The school principal or his/her designee shall be responsible for the privacy and security of all student records maintained in the school.
- 23.05(2) The superintendent of schools or his/her designee shall be responsible for the privacy and security of all student records that are not under the supervision of a school principal, for example, former students' transcripts stored in the school department's central administrative offices or student records of school-age children with special needs who have not been enrolled in a public school.
- 23.05(3) The principal and superintendent of schools shall insure that student records under their supervision are kept physically secure, that authorized school personnel are informed of the provisions of these regulations and are educated as to the importance of information privacy and confidentiality, and that any computerized systems employed are electronically secure.

## 23.06 DESTRUCTION OF STUDENT RECORDS

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- 23.06(1) The student's transcript shall be maintained by the school department and may only be destroyed 60 years following his/her graduation, transfer, or withdrawal from the school system.
- 23.06(2) During the time a student is enrolled in a school, the principal or his/her designee shall periodically review and destroy misleading, outdated, or irrelevant information contained in the temporary record provided that the eligible student and his/her parents are notified in writing and are given opportunity to receive the information or a copy of it prior to its destruction. A copy of such notice shall be placed in the temporary record.
- 23.06(3) The temporary record of any student enrolled on or after the effective date of these regulations shall be destroyed no later than five years after the student transfers, graduates, or withdraws from the school system. Written notice to the eligible student and his/her parent of the approximate date of destruction of the record and their right to receive the information in whole or in part, shall be made at the time of such transfer, graduation, or withdrawal. Such notice shall be in addition to the routine information letter required by 603 CMR 23.10 of these regulations.

## 23.07 ACCESS TO STUDENT RECORDS

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### 23.07(1) *Log of Access*

A log shall be kept as part of each student's record. If parts of the student record are separately located, a separate log shall be kept with each part. The log shall indicate all persons who have obtained access to the student record, stating: the name, position and signature of the person releasing the information; the name, position and, if a third party, the affiliation if any, of the person who is to receive the information; the date of access; the parts of the record to which access was obtained; and the purpose of such access. Unless student record information is to be deleted or released, this log requirement shall not apply to: (a) authorized school personnel under 603 CMR 23.02 (9) (a) who inspect the student record; (b) administrative office staff and clerical personnel under 603 CMR 23.02 (9) (b), who add information to or obtain access to the student record; and (c) school nurses who inspect the student health record.

### 23.07(2) *Access of Eligible Students and Parents*

The eligible student or the parent shall have access to the student record. In no event shall such access be delayed more than two consecutive weekdays after the initial request, unless the requesting party consents to a delay. Upon such request for access, the entire student record regardless of the physical location of its parts shall be made available.

23.07(2)(a) Upon request, copies of any information contained in the student record shall be furnished to the eligible student or the parent. A reasonable fee, not to exceed the cost of reproduction, may be charged.

23.07(2)(b) Any student, regardless of age, shall have the right pursuant to Chapter 71 Section 34A to receive a copy of his/her transcript.

23.07(2)(c) The eligible student or the parent shall have the right upon request to meet with professionally qualified school personnel and to have any of the contents of the student record interpreted.

23.07(2)(d) The eligible student or the parent may have the student record inspected or interpreted by a third party of his/her choice. Such third party shall present specific written consent of the eligible student or parent, prior to gaining access to the student record.

### 23.07(3) *Access of Authorized School Personnel*

Subject to these regulations, authorized school personnel of: (1) the public school that presently has jurisdiction over the student and the student's records, or (2) a regional school district or regional vocational school district that the student enters upon graduating from the schools of a member city or town, shall have access to the student records of students to whom they are providing services, when such access is required in the performance of their official duties. The consent of the eligible student or parent shall not be necessary.



#### 23.07(4) *Access of Third Parties*

Except for the provisions of Sections 603 CMR 23.07(4)(a) through 603 CMR 23.07(4)(j) of these regulations, no third party shall have access to information in or from a student record without the specific, informed written consent of the eligible student or the parent. When granting consent, the eligible student or parent shall have the right to designate which parts of the student record shall be released to the third party. A copy of such consent shall be retained by the eligible student or parent and a duplicate placed in the temporary record.

Except for information described in 603 CMR 23.07(4)(a), personally identifiable information from a student record shall only be released to a third party on the condition that he/she will not permit any other third party to have access to such information without the written consent of the eligible student or parent.

- 23.07(4)(a) A school may release for publication a student's name, class, participation in officially recognized activities and sports, degrees, honors and awards, and post-high school plans without the consent of the eligible student or parents; provided that the school gives public notice of the types of information it may release under this section and allows eligible students and parents a reasonable time after such notice to inform the school that any or all such information shall not be released without the prior consent of the eligible student or parent. Such notice may be included in the routine information letter required under 603 CMR 23.10 of these regulations.
- 23.07(4)(b) Upon receipt of a court order or lawfully issued subpoena, or upon receipt of a request from a probation officer, a Justice of any court, or the Department of Youth Services under the provisions of G.L. c.199, ss. 57, 69 and 69A respectively, for information regarding a student, the appropriate school official shall comply; provided that the eligible student or parent is notified of all such orders, subpoenas and requests in such reasonable time that he/she may seek to have the process quashed, as required by G.L. c.66A, s.2(k).
- 23.07(4)(c) Representatives of the Massachusetts Department of Education, with permission from the Commissioner of Education and acting in accordance with guidelines that may be established by the Commissioner, shall have access to student records as necessary in connection with the enforcement of federal and state education laws, without the consent of the eligible student or parent; provided that, except when collection of personally identifiable data is specifically authorized by law, any data collected by such officials shall be protected so that parties other than such officials cannot personally identify such students and their parents; and such personally identifiable data shall be destroyed when no longer needed for the enforcement of federal and state education laws.
- 23.07(4)(d) The Division of Special Education of the Massachusetts Department of Education shall have access to student records for purposes of special education placements under Chapter 766 of the Acts of 1972, without the consent of the eligible student or parent; provided that the conditions of 603 CMR 23.07(4)(c) of these regulations regarding the protection of personally identifiable data shall be met. The Division may share a student's educational plan with the Regional Review Board or the Interdepartmental Children's Project Team when consultation is sought by the Division, without the consent of the eligible student or parent.



- 23.07(4)(e) When considering an appeal of a CET finding for a student pursuant to Chapter 766 of the Acts of 1972 and the Chapter 766 Regulations, the Bureau of Special Education Appeals, the State Advisory Commission, and the State Review Board established under Chapter 766 shall have access to and the right to copy the student record without the consent of the eligible student or parent.
- 23.07(4)(f) The school committee responsible for funding a day or residential placement under Chapter 766 may have access to the educational plan of the student for whom such a placement has been recommended, without the consent of the eligible student or parent; provided that such access is authorized by a majority vote of the school committee, and provided that all personally identifiable data are deleted prior to access.
- 23.07(4)(g) Authorized school personnel of the school to which a student transfers shall have access to the student transfer card mandated by G.L. c.76, s.13, without the consent of the eligible student or parent. Such authorized school personnel shall also have access to the transferring student's transcript, health record, and, if the student has been evaluated under Chapter 766, the educational plan and assessments pertinent to it; provided that the school the student is leaving notifies the eligible student or parent that these records will be transferred unless the eligible student or parent within ten weekdays requests that some or all of these records not be transferred. Other parts of the student record may be released to the school to which a student transfers only with the consent of the eligible student or parent in accordance with 603 CMR 23.07(4) of these regulations.
- 23.07(4)(h) School health personnel and local and state health department personnel shall have access to student health records, including but not limited to immunization records, when such access is required in the performance of official duties, without the consent of the eligible student or parent.
- 23.07(4)(i) The superintendent of schools or his/her designee shall provide to the Massachusetts Department of Education such anonymous statistical information or anonymous data derived from student records as the Department may from time to time require, provided that the identity of any individual cannot be determined from such data.
- 23.07(4)(j) The superintendent of schools or his/her designee may gather data from student records in order to provide anonymous statistical information or anonymous data to independent researchers analyzing programs and policies, provided that the identify of any individual cannot be determined from such data.

## 23.08 AMENDING THE STUDENT RECORD

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- 23.08(1) The eligible student or the parent shall have the right to add information, comments, data, or any other relevant written material to the student record.
- 23.08(2) The eligible student or the parent shall have the right to request in writing deletion or amendment of any information contained in the student record, except for information which was inserted into that record by a CET. Such information inserted by a CET shall not be subject to such a request until after the acceptance of the CET Educational Plan, or, if the CET Education Plan is rejected, after the completion of the special education appeal process. Any deletion or amendment shall be made in accordance with the procedure described below:

- 23.08(2)(a) If such student or parent is of the opinion that adding information is not sufficient to explain, clarify or correct objectionable material in the student record, either student or parent shall present the objection in writing and/or have the right to have a conference with the principal or his/her designee to make the objection known.
- 23.08(2)(b) The principal or his/her designee shall within one week after the conference or receipt of the objection, if no conference was requested, render to such student or parent a decision in writing, stating the reason or reasons for the decision. If the decision is in favor of the student or parent, the principal or his/her designee shall promptly take such steps as may be necessary to put the decision into effect.

## 23.09 APPEALS

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- 23.09(1) In the event that any decision of a principal or his/her designee regarding any of the provisions contained in these regulations is not satisfactory in whole or in part to the eligible student or parent, he/she shall have the right of appeal to the superintendent of schools. Request for such appeal shall be in writing to the superintendent of schools.
- 23.09(2) The superintendent of schools or his/her designee shall within two weeks after being notified of such appeal (longer should the appellant request a delay) review the issues presented and render a written decision to the appellant, stating the reason or reasons for the decision. If the decision is in favor of the appellant, the superintendent of schools or his/her designee shall promptly take such steps as may be necessary to put the decision into effect.
- 23.09(3) In the event that the decision of the superintendent of schools or his/her designee is not satisfactory to the appellant in whole or in part, the appellant shall have the right of appeal to the school committee. Request for such appeal shall be in writing to the chairperson of the school committee. If such request is made, notification of such request shall be sent by the school committee to the Bureau of Student Services. Such notice shall not contain any information which personally identifies the student or his/her parents.
- 23.09(4) The school committee shall within four weeks after being notified of such appeal (longer should the appellant request a delay) conduct a fair hearing to decide the issues presented by the appellant.
- 23.09(4)(a) School officials shall have the burden of proof on issues presented by the appellant.
- 23.09(4)(b) The appellant shall have the right to be represented by an advocate of his/her choosing, to cross-examine witnesses, to present evidence, to make a tape or other recording of the proceedings, and to receive a written decision within two weeks after the hearing. The school committee shall also notify the Bureau of Student Services of its decision. Such notice shall not contain any information which personally identifies the student or his/her parents.
- 23.09(4)(c) If the appeal concerns statements by an employee of the school committee, such person shall have the right to be present and to have an advocate of his/her own choosing.
- 23.09(5) Nothing in these regulations shall abridge or limit any right of an eligible student or parent to seek enforcement of these regulations or the statutes regarding student records in any court or administrative agency of competent jurisdiction.

## 23.10 NOTIFICATION

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- 23.10(1) At least once during every school year, the school shall publish and distribute to students and their parents in their primary language a routine information letter (a copy of which shall also be sent to the Bureau of Student Services), informing them of the following.
- 23.10(1)(a) The standardized testing programs and research studies to be conducted during the year and other routine information to be collected or solicited from the student during the year.
- 23.10(1)(b) The general provisions of these regulations regarding parent and student rights, and that copies of these regulations are available to them from the school.
- 23.10(2) In those school systems required under Chapter 71A of the General Laws to conduct a bilingual program, all forms, regulations, or other documents regarding these regulations that a parent receives or is required to receive shall be in the language spoken in the home of the student, provided that it is a language for which the school system is required to provide a bilingual program.

## 23.11 MONITORING

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The Bureau of Student Services may, pursuant to a request by an eligible student or parent or on its own initiative, conduct reviews to insure compliance with these regulations. The school committee and the specific school(s) involved shall cooperate to the fullest extent with such review.

## 23.12 SEVERANCE CLAUSE

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The provisions of these regulations are severable and should any section be found upon judicial review to exceed the authority of the State Board of Education, the remaining sections shall not be affected.





## QUESTIONS

### QUESTIONS OFTEN ASKED ABOUT THE STUDENT RECORDS REGULATIONS

The following information reflects the Department of Education's interpretation of the Student Record Regulations and is intended to clarify Department policy in those areas which the Department most often receives questions.

1. Q. Do guardians or divorced/separated, foster or unmarried parents have access to the student record?  
  
A. Yes, according to 603 CMR 23.02(4), unless a contrary written agreement between parents or a court order governing the rights of such parents is brought to the attention of the principal.
2. Q. How long should schools keep the records of students who graduated many years before the record regulations went into effect?  
  
A. The records of students enrolled before February, 1975, are not subject to the regulations. Therefore, it is in the school system's discretion to decide how long to keep such records. In keeping with the intent of 603 CMR 23.06, however, the time limit for destruction of the record should probably be not less than sixty years for a transcript and not more than five years for the temporary record.
3. Q. Are private schools subject to any of these regulations?  
  
A. Generally, no, since the regulations apply to student records maintained by public elementary and secondary schools in Massachusetts. However, under the Chapter 766 Regulations (603 CMR 28.00, S.802.15), approved private special education schools are required to provide to parents, eligible students and authorized public school personnel the same rights applicable to public school student records under the Student Record Regulations. In addition, a separate statute, General Laws, c.71, S.34A, requires any educational institution (public or private) in Massachusetts to provide to any student or former student a written transcript of his/her record as a student.
4. Q. May a staff member accompany a parent or eligible student who is inspecting the student's record?  
  
A. Yes. 603 CMR 23.07(2)(c) allows the eligible student or parent, upon request to meet with school personnel and have the record interpreted. The regulations neither specifically allow nor specifically prohibit the school from requiring persons inspecting student records to do so in the presence of school personnel. In view of the school official's duty to assure the security of all student records, it is reasonable for the school to impose such a requirement, since parents and eligible students have the right to receive a copy of any information in the student record, which they may then inspect in privacy.
5. Q. Must the school provide access to the record to the eligible student and parent within two consecutive weekdays if the request is made during a time when school is not in session?  
  
A. Yes. Since 603 CMR 23.07(2) does not limit the time period within which two consecutive weekdays must fall, the record must be available within that time period at any time of the year, including the summer months.
6. Q. May a school system "destroy" a student's temporary record with five years of the student's graduation, transfer or withdrawal by handing over the only copy to the student and/or parent?  
  
A. Yes, as long as the eligible student or parent is notified in writing that this is the only copy and that this is the school's method of disposing of the record, in accordance with 603 CMR 23.06(3).

7. Q. May a school system decide not to forward a student's disciplinary record when he/she transfers or is promoted from one school to another within the same system?
  - A. Yes. If the principal determines that certain information in a student's temporary record is misleading, outdated or irrelevant, that information may be destroyed as long as proper written notification is given to parents and students in accordance with 603 CMR 23.06(2).
8. Q. Is an announcement in the local newspaper of the destruction of the temporary records of students who have left the system adequate notification to the former students and parents?
  - A. Generally, no. 603 CMR 23.06(3) of the regulations requires written notice to the student and parent, which is not satisfied by publication in a local newspaper unless the paper is sent to all parents and students. A preferable notification method would be an announcement included in whatever information packets go out to graduating students. Students who leave the system at other times would need to receive the notice at those times instead.
9. Q. May a school withhold a report card or diploma from a student who has outstanding school fees or unreturned property?
  - A. No. Any information that identifies a student individually—including a report card or a diploma—is considered part of the student record, as defined in the regulations. Under 603 23.07(2), the eligible student or parent is entitled to have access to the student record (including receiving a copy of it) within two consecutive days, unless the requesting party consents to a delay. The regulation does not authorize a school to withhold student record information for disciplinary reasons. School systems have other remedies for dealing with students who have outstanding fees or unreturned property.
10. Q. Are test protocols considered part of the student's special education record?
  - A. The answer depends on the circumstances. The protocol of a test, usually administered by a school psychologist (most frequently as part of a student's evaluation under Chapter 766) may include standardized test scoring forms; student answers, drawings and verbal responses noted by the tester; and the tester's written observations of student behavior. If the test protocol individually identifies the student, and is accessible to other authorized school personnel or third parties, then it is considered part of the student record, and the eligible student or parent has access to it under 603 CMR 23.07(2). However, if the protocol does not individually identify the student, it is not considered part of the student record. Furthermore, it is not considered part of the student record even if it does identify the student, provided that it is kept in the tester's personal files and is not released, in whole or in part, to authorized school personnel or any third party. In those cases, the protocol may still be shared with the parent or eligible student.
11. Q. May an eligible student or parent request that an individual course grade or grades be withheld when the student's transcript is released to a third party?
  - A. Yes, the eligible student or parent may make such a request, but the school is not required to honor it, if the third party receiving the transcript would reasonably assume that the transcript is complete. On the other hand, the school should honor a request to release or withhold a certain category or categories of courses or grades, if the third party would not reasonably assume that the transcript is complete. For example, the eligible student or parent may request that only the student's math and science grades, or only student's grades since ninth or tenth grade, be released.



12. Q. May educational collaboratives providing services to children with special needs gain access to student record information without prior parental permission?
- A. No. Collaboratives are considered third parties under 603 CMR 23.02(12) and as such must secure the specific, informed written consent of the eligible student or parent before gaining access to student records. Operators of data processing equipment employed by a collaborative are at the moment considered third parties, although there may be a proposed change in the regulations to allow for certain computerized record keeping to be done by people considered authorized school personnel for this purpose.
13. Q. May a school committee inspect a student's record as part of the procedures for an expulsion hearing?
- A. Not without the specific informed written consent of the eligible student or parent. School committee members are considered third parties under 603 CMR 23.02(12). If permission is not granted, however, it is permissible to point out to the student and/or parent that denying access may not be in the student's best interest. Parents or eligible students may specify which parts of the student record they wish to have revealed under 603 CMR 23.07(4). This does not prevent the school administration from presenting to the school committee those parts of the school record which are to be entered as direct evidence against the student.
14. Q. If an eligible student or parent waives the right to an executive session before the school committee, do they also waive their right to keep the student's record confidential?
- A. No. The waiver of a right to address the school committee in executive session does not constitute the specific, informed written consent that is required for a school committee member or any other third party to have access to the student record in accordance with 603 CMR 23.07(4). However, the minutes of an open meeting of the school committee are, by law, open to public inspection.



## SUGGESTED FORMS

The Regulations Pertaining to Student Records adopted by the State Board of Education in January, 1975 and amended in February, 1976 require some significant changes in the record-keeping practices of many school systems. To assist with these changes, the Department has developed a set of model forms that may be used to meet the requirements of the regulations. These forms are not mandated and may be adapted to fit local needs. We intend them to be suggestions or examples that will help local school systems implement the regulations with a minimum of confusion.

1. **Summary of Regulations**—This self explanatory summary of the regulations may be used to fulfill the notice requirement of 603 CMR 23.10(1)(b) of the regulations. Such notice must be disseminated to students and parents at least once during every school year.
2. **Request to Inspect Student Record**—The regulations do not require that a request to inspect student records be in writing, and an eligible student or parent has the right to inspect records, upon a verbal request. However, it is recommended that the enclosed form be used whenever possible, particularly since the completion of the bottom section of the form protects the school system by certifying that the request was in fact honored. (603 CMR 23.07(2))
3. **Destruction Notice to Outgoing Students**—This form may be used to fulfill the notification requirement under 603 CMR 23.06(3) and may be sent to students at the time of graduation or leaving school. The listing of the temporary record information should be as detailed and complete as possible.
4. **Notice of Destruction of Certain Materials in Temporary Records**—This form may be used to meet the requirements of 603 CMR 23.06(2) that notice must sent when outdated or irrelevant material in the temporary record is destroyed. This form should be completed in duplicate, so that a copy may be kept in the temporary record of the student.
5. **Consent Form for Dissemination of Student Records to Third Party**—This form may be used pursuant to 603 CMR 23.07(4) which requires written consent of the student or parent before records can be disseminated to a third party. Any form should be completed in duplicate, in order to meet the requirement of 603 CMR 23.07(4) that a copy be retained in the temporary record, and one by the parent and student.
6. **Notice of Dissemination of Student Records to Third Parties when Consent is Not Needed**—Under 603 CMR 23.07(4)(b) and 603 CMR 23.07(4)(d) certain third parties may receive student records without prior consent; however, notification of said dissemination is required. This form may be used only for dissemination not requiring parent/student consent, as outlined in 603 CMR 23.07(4)(b) and 603 CMR 23.07(4)(d).
7. **Notice of Release of Certain Information to Student's New School**—This form provides the student and parent with notice of the school's intention to send to the student's new school his/her transcript, health record and (if he/she has been evaluated under Chapter 766) educational plan and pertinent assessments. The form gives the student and parent 10 weekdays in which to inform the school that these records should not be transferred, as required by 603 CMR 23.07(4)(g).
8. **Notice of Possible Publication of Certain Student Information During the School Year**—This form provides notice of possible release for publication (e.g., post-high-school plans) of certain, limited kinds of information during the school year. It notifies the parent and student that they have a certain date by which to inform the school that such information should not be released without first obtaining parent or student consent. (603 CMR 23.07(4)(a))

The State Board of Education has adopted Regulations Pertaining to Student Records. The development of these regulations, which have the force of law, was mandated by state laws enacted in 1972 and 1974. The regulations apply to all public elementary and secondary schools. (They also apply to all private schools which have state approval to provide special education services under Chapter 766, the Special Education Act.) They are designed to insure parents' and students' rights of confidentiality, inspection, amendment, and destruction of student records, and to assist school authorities in their responsibilities for the maintenance of student records.

The regulations apply to all information kept by a school committee on a student in a manner such that he or she may be individually identified. The regulations divide the record into two sections: the transcript and the temporary record. The transcript includes only the minimum information necessary to reflect the student's educational progress. This information includes name, address, course titles, grades, credits, and grade level completed. The transcript is kept by the school system for at least sixty years after the student leaves the system.

The temporary record contains the majority of the information maintained by the school about the student. This may include such things as standardized test results; class rank; school sponsored extracurricular activities; and evaluations and comments by teachers, counselors, and other persons; as well as other similar information. The temporary record is destroyed within five years after the student leaves the school system.

The following is a summary of the major parent and student rights regarding their student records, as provided by the Regulations Pertaining to Student Records:

#### *Inspection of Record*

A parent, or a student who has entered the ninth grade or is at least 14 years old, has the right to inspect all portions of the student record upon request. The record must be made available to the parent or student no later than two days after the request, unless the parent or student consents to a delay.

The parent and student have the right to receive copies of any part of the record, although a reasonable fee may be charged for the cost of duplicating the materials.

Finally, the parent and student may request to have parts of the record interpreted by a qualified professional of the school, or may invite anyone else of their choosing to inspect or interpret the record with them.

#### *Confidentiality of Record*

With a few exceptions, no individuals or organizations but the parent, student, and school personnel working directly with the student are allowed to have access to information in the student record without the specific, informed, written consent of the parent or the student.

#### *Amendment of Record*

The parent and student have the right to add relevant comments, information, or other written materials to the student record. In addition, the parent and student have the right to request that information in the record be amended or deleted. The parent and student have a right to a conference with the school principal to make their objections known. Within a week after the conference, the principal must render a decision in writing. If the parent and student are not satisfied with the decision, the regulations contain provisions through which the decision may be appealed to higher authorities in the school system.

#### *Destruction of Records*

The regulations require that certain parts of the student record, such as the temporary record, be destroyed a certain period of time after the student leaves the school system. School authorities are also allowed to destroy misleading, outdated, or irrelevant information in the record from time to time while the student is enrolled in the school system. Before any such information may be destroyed, the parent and student must be notified, and have an opportunity to receive a copy of any of the information before its destruction.

The above is only a summary of some of the more important provisions of the Regulations Pertaining to Student Records that relate to student and parent rights. If more detailed information is desired, a copy of the regulations may be received from your school.



## STUDENT OR PARENT REQUEST TO INSPECT STUDENT RECORDS

I hereby request to inspect the following parts of my/my child \_\_\_\_\_'s student record:  
 student's name

## PARTS OF RECORD TO BE INSPECTED:

- ☐ transcript information (includes identifying information, course titles, grades or equivalent, and grade level completed)
- ☐ SAT and college board scores
- ☐ extracurricular activities
- ☐ teacher and counselor evaluations and comments
- ☐ attendance record
- ☐ special education evaluation information
- ☐ other (specify) \_\_\_\_\_
- ☐ all records

In making this request, I understand the following:

- that I have the right to examine all records relating to me/my child that are maintained by the school system, regardless of physical form or location;
- that I have the right to examine these records within two consecutive weekdays of the date of this request, unless I consent to a delay;
- that I have a right to receive a copy of all or part of my/my child's records, and that I may be charged a fee not greater than the cost of duplication;
- that I have the right to have the records interpreted by a qualified professional employee of the school or by any other person of my choice, if I so request;
- that I have the right to request the deletion or amendment of portions of my/my child's record and that I may add written statements to the record.

\_\_\_\_\_  
 \*\*Signature of student or parent

\_\_\_\_\_  
 Student's class

\_\_\_\_\_  
 Date

Records were inspected as requested:

\_\_\_\_\_  
 \*\*Signature of student or parent

\_\_\_\_\_  
 Signature of principal or  
 other authorized school  
 employee

\_\_\_\_\_  
 Date

\*\*This form may be signed by a student or former student of fourteen years of age or older, or a student in the ninth grade or above, or a parent.



## OFFICE OF THE SUPERINTENDENT OF SCHOOLS

June \_\_\_\_ 19 \_\_\_\_

To the Members of the Class of 19 \_\_\_\_ and their Parents:

This is to inform you of the eventual destruction of your/your child's student record, which has been maintained by the school system during the period of your/your child's enrollment. The records, which are described below, contain significant information which may be of importance to you in the future. Because of this, you have the opportunity to examine and receive copies of any or all of the records, prior to their destruction.

In accordance with Department of Education regulations, different parts of the record will be destroyed at two points in the future. The majority of the information will be destroyed within five years.

Specifically, the information to be destroyed within five years from now includes:

	Approximate Date of Destruction
—results of college boards and standardized tests;	
—record of school-sponsored extracurricular activities;	
—evaluations and reports by teachers, counselors, and others;	
—attendance data;	
—all other information not listed below.	

The following information may only be destroyed after sixty years:

- identifying information regarding student and parents or guardians;
- course titles and grades received;
- grade level completed and year completed.

You have the right to examine and receive a copy of any or all of the above information at any time prior to its destruction. If you have any questions regarding your/your child's student record or this letter please contact:

\_\_\_\_\_

at \_\_\_\_\_

Sincerely yours,

\_\_\_\_\_

NOTICE OF DESTRUCTION OF MATERIAL  
IN TEMPORARY STUDENT RECORD

Dear \_\_\_\_\_:

\_\_\_\_\_ has reviewed your/your child's  
temporary student record, and has found the following parts to be outdated, irrelevant, or misleading:

You have thirty days from the date of this notice to review and receive the original or copy of the above records, prior to their destruction.

If you wish to review or copy the above mentioned material, please contact

\_\_\_\_\_ at \_\_\_\_\_

Sincerely yours,

\_\_\_\_\_  
Signature of Principal or Other  
Authorized School Employee

\_\_\_\_\_  
Date

## CONSENT FOR DISSEMINATION OF STUDENT RECORD TO THIRD PARTY

I give permission for the following \_\_\_\_\_ third parties to ☐ inspect ☐ secure a copy of  
number  
the parts of my/my child \_\_\_\_\_'s student record noted below:

THIRD PARTIES: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

REASONS FOR RELEASE OF RECORDS: \_\_\_\_\_  
\_\_\_\_\_

PARTS OF RECORD TO BE RELEASED*	PERMISSION GRANTED	PERMISSION DENIED
transcript information (includes identifying information, course titles, grades or their equivalent, and grade level completed)	<input type="checkbox"/>	<input type="checkbox"/>
SAT and college board scores	<input type="checkbox"/>	<input type="checkbox"/>
extracurricular activities	<input type="checkbox"/>	<input type="checkbox"/>
teacher and counselor evaluations and comments	<input type="checkbox"/>	<input type="checkbox"/>
attendance record	<input type="checkbox"/>	<input type="checkbox"/>
other (specify) _____	<input type="checkbox"/>	<input type="checkbox"/>

\_\_\_\_\_  
\*\*Signature of student or parent

\_\_\_\_\_  
Student's class

\_\_\_\_\_  
Date

\*\*This form may be signed by a student or former student of fourteen years of age or older, or a student in the ninth grade or above, or a parent.

\*Before seeking the parent's or eligible student's consent, the school should cross out those items which have not been requested by the third party.

**NOTICE OF DISSEMINATION OF STUDENT RECORD  
TO THIRD PARTIES WHO DO NOT NEED  
STUDENT CONSENT**

Dear \_\_\_\_\_:

This is to notify you that a:

- ☐ request from the Department of Education's Division of Special Education
- ☐ subpoena
- ☐ request from a Justice
- ☐ other (specify) \_\_\_\_\_

has been received for the following parts of your/your child's student record:

The Massachusetts Regulations Pertaining to Student Records state that the school system must comply with the above request, but that this notification to you must be given prior to the release of the records. In the case of a subpoena, court order, or request from a probation officer or the Department of Youth Services, you have the right to attempt to have the subpoena, order or request stopped by a court.

The records will be released on \_\_\_\_\_. If you have any questions,  
you may contact \_\_\_\_\_ at \_\_\_\_\_

Sincerely yours,

\_\_\_\_\_  
Signature of Principal or Other Authorized  
School Employee

\_\_\_\_\_  
Date



# NOTICE OF RELEASE OF CERTAIN INFORMATION TO STUDENT'S NEW SCHOOL

27

Dear \_\_\_\_\_:

You/Your child is transferring from this school to \_\_\_\_\_  
Following state law, we have sent to that school a transfer card, containing only your/your child's name, age, grade, and new address.

Under Department of Education regulations, we are authorized to send your/your child's transcript, health record, and (if you/your child has been evaluated under Chapter 766, the special education law) your/your child's educational plan and pertinent assessments to the new school, unless you indicate, within ten (10) weekdays, that this information shall not be transferred.

Unless we hear from you by \_\_\_\_\_, we shall send the information below to the new school.

\_\_\_\_\_  
Signature of principal or other  
authorized school employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
"Please do not send the following parts of my/my child's record to the school to which I/my child is transferring: (school should cross out inapplicable parts)

transcript (contains student and parent name,  
address, and phone number, student birthdate,  
course titles, course credits, grades, grade  
level completed, and year completed)

do not send entire transcript \_\_\_\_\_

do not send parts of transcript \_\_\_\_\_

health record \_\_\_\_\_

Special Education educational plan \_\_\_\_\_

Special Education assessments \_\_\_\_\_

do not send any of the above \_\_\_\_\_

\_\_\_\_\_  
\*Signature of student or parent

\_\_\_\_\_  
Date

\*This form may be signed by a student or former student of fourteen years of age or older, or a student in the ninth grade or above, or a parent.

# NOTICE OF POSSIBLE PUBLICATION OF CERTAIN STUDENT INFORMATION DURING THE SCHOOL YEAR

\_\_\_\_\_ 19 \_\_\_\_\_

Dear Student/Parent:

Under Department of Education regulations, the school may release for publication certain information concerning you/your child from time to time without first obtaining your consent, unless you indicate now that we should not do so. The information which may be released for publication includes only the student's name, class, participation in officially recognized activities and sports, degrees, honors and awards, and post-high-school plans.

If you do not wish this information concerning yourself/your child to be released for publication without your consent during the school year, please sign below and return to us by \_\_\_\_\_.

Sincerely yours,

\_\_\_\_\_  
Signature of principal or  
other authorized employee

Please do not release the following information for publication without first seeking my permission:

(check)

student's name	_____
class	_____
participation in officially recognized activities and sports	_____
degrees	_____
honors and awards	_____
post-high-school plans	_____
do not release any of the above	_____

\_\_\_\_\_  
\*Signature of student or parent

\_\_\_\_\_  
Date

\*This form may be signed by a student or former student of fourteen years of age or older, or a student in the ninth grade or above, or a parent.

For further information, please contact the Student Services specialist at your regional education center listed below:

## REGIONAL EDUCATION CENTERS

Greater Boston Regional Center  
75 Acton Street  
Arlington, MA 02174  
(617) 641-4870

Central Massachusetts Regional Center  
Beaman Street, Route 140  
West Boylston, MA 01583  
(617) 834-6267

Greater Springfield Regional Center  
88 Massasoit Avenue  
West Springfield, MA 01809  
(413) 727-7166

Northeast Regional Center  
219 North Street  
North Reading, MA 01864  
(617) 727-0600

Southeast Regional Center  
P.O. Box 29  
Route 105  
Lakeville, MA 02346  
(617) 727-1440

Northwest Regional Center  
Mark Hopkins Hall  
Church Street  
North Adams, MA 01247  
(413) 664-4511

